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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,511	08/31/2001	Misato Mochizuki	520.40601X00	8181

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ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-9889

EXAMINER
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PWU, JEFFREY C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/943,511	<b>Applicant(s)</b> MOCHIZUKI ET AL.	
	<b>Examiner</b> Jeffrey Pwu	<b>Art Unit</b> 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/31/2001</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being unpatentable over Bowman-Amuah (U.S. 6,442,547).

Bowman-Amuah discloses claims:

1. A communication path control method in a communication network comprising communication equipment connected to a plurality of telecommunication companies' networks, a network controller connected to said communication equipment, and a server for supplying network control information to said network controller, said network controller supplying communication path control information generated on the basis of said network control information to said communication equipment, comprising the steps of:
  - ♦storing information entries each indicative of definition of communication services provided by each of said telecommunication companies' networks into said server (150);
  - ♦issuing a communication service request, in which specifications of a communication path to be assured for a user terminal connected to said communication equipment are designated, from the user terminal to said server (col.10, line 60-col.12, line 60);

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♦retrieving an information entry of the communication service definition matched with said communication service request and notifying said user terminal of a search result by said server (132); and

♦transmitting network control information generated on the basis of said communication service request and retrieved communication service definition from said server to said network controller in response to a notification of agreement from said user terminal to said search result. (methods steps 160-164).

2. The communication path control method according to claim 1, wherein when an information entry of communication service definition matched with said communication service request is not retrieved, said server notifies said user terminal of, as said search result, a combination of communication service definition of a plurality of entries, said combination satisfying said communication service request (method steps 180-184).

3. The communication path control method according to claim 1, wherein said communication service definition includes information indicative of bandwidth of the communication path provided by each telecommunication company's network (col.17, line 20-col.18, line 14; figs.3-7)

4. The communication path control method according to claim 1, wherein said communication service definition includes information indicative of quality of communication service provided by each telecommunication company's network (col.22, lines 36-67).

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5. The communication path control method according to claim 1, wherein said communication service request includes information indicative of bandwidth of a communication path to be assured for a user terminal (col.17, line 20-col.18, line 14).
6. The communication path control method according to claim 1, wherein said communication service request includes information indicative of quality of communication service on a communication path to be assured for a user terminal (col.22, lines 36-67).
7. The communication path control method according to claim 1, wherein said communication service request includes information indicating whether a backup communication path should be assured for a user terminal or not ("DAP 116-120").
8. A communication service request processing method for a communication network including a communication equipment connected to a plurality of telecommunication companies' networks and a network controller connected to said communication equipment, comprising the steps of: transmitting information indicative of definition of communication service from a management terminal of each telecommunication company's network to an assistant server connected to said network controller; storing communication service definition information received from said management terminal as a supply information entry by said assistant server; issuing a communication service request, in which specifications of a communication path to be assured for a user terminal connected to said communication equipment are designated, from the user terminal to said assistant server; retrieving an information entry of the communication service definition matched with said communication service request and notifying said user terminal of a

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search result by said assistant server; after receiving a notification of agreement from said user terminal to said search result, transmitting network control information for establishing a communication path designated by said communication service request from said assistant server to said network controller; and supplying communication path control information generated on the basis of said network control information from said network controller to said communication equipment (col.10, line 60-col.12, line 60; figs. 1).

9. The communication service request processing method according to claim 8, wherein when an information entry of communication service definition matched with said communication service request is not retrieved, said assistant server notifies said user terminal of, as said search result, a combination of communication service definition of a plurality of entries, said combination satisfying said communication service request (See "service level agreement").

10. The communication service request processing method according to claim 8, wherein the network control information transmitted from said assistant server to said network controller includes routing control information used by a telecommunication company's network in which said communication path is set, said path control information is informed from said network controller to a network controller of said telecommunication company's network, and said communication equipment establishes a communication path on the basis of communication path control information supplied from said network controller and when a packet is received from said user terminal, said communication equipment adds said routing control information to the received packet and transmits the packet to said communication path (col.10, line 60-col.12, line

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60; figs. 1).

11. A server for performing communication with a user terminal via a communication network and supplying network control information to a network controller for controlling a communication node connected to both said user terminal and a plurality of telecommunication companies' networks, comprising: memory means for storing information entries indicative of definition of communication service provided by each of said telecommunication companies' networks; first means for receiving a communication service request in which specifications of a communication path to be assured for a user terminal are designated, from the user terminal, searching said memory means for an information entry of communication service definition matched with said communication service request, and notifying said user terminal of a search result; and second means for transmitting network control information generated on the basis of said communication service request and the retrieved communication service definition to said network controller in response to a notification of agreement from said user terminal to said search result, wherein said network controller instructs said communication node, in response to network control information received from said server, to establish a communication path so that transmission packets from said user terminal are transferred to a telecommunication company's network which provides communication service definition matched with said communication service request (col.10, line 60-col.12, line 60; figs. 1).

12. The server according to claim 11, wherein said first means includes means for notifying said user terminal of, as said search result, a combination of communication service definition of a

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plurality of entries when no information entry of communication service definition matched with said communication service request is retrieved, said communication service request being satisfied with said combination (see "SLA").

13. The server according to claim 11, wherein each of information entries stored in said memory means includes, as a part of said communication service definition information, information indicative of bandwidth of a communication path provided by each telecommunication company's network, said communication service request designates the bandwidth of a communication path to be assured, and said first means searches said memory means for an information entry of communication service definition matched with a bandwidth designated by said communication service request (158-164).

14. The server according to claim 11, wherein each of information entries stored in said memory means includes, as a part of said communication service definition information, information indicative of the quality of communication service provided by each telecommunication company's network, said communication service request designates the quality of communication service on a communication path to be assured, and said first means searches said memory means for an information entry of communication service definition matched with the quality of communication service designated by said communication service request (col.22, lines 36-67).



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***Prior art***

3. US 6,167,449 (Arnold et al.), discloses a system and method for identifying and locating computer network services.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Pwu whose telephone number is 571 272-6798.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR-only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sunday, December 05, 2004

**JEFFREY PWU  
PRIMARY EXAMINER**